

TRANSLATION

Interim Provisions Relating to the Determination of Obscene and Pornographic Publications, promulgated by the State Press and Publications Office on December 27, 1988.

Article 1 These Interim Provisions have been specifically formulated in order to implement the 'State Council Provisions Relating to the Strict Prohibition of Obscene Articles'¹ and the 'Provisions Relating to Reaffirming the Strict Prohibition of Obscene Publications',² and to clarify the standards for determining obscene and pornographic publications.

Article 2 'Obscene publications' means publications that propagate obscene behaviour throughout, that would incite people's sexual desire, leading ordinary people to be morally degenerate, that are lacking in artistic or scientific value and that contain one of the following:

(1) explicit depictions of sexual behaviour, sexual intercourse or its psychological effects in an indecent way;

(2) open propagation of pornographic or lewd images;

(3) descriptions or imparting of sex techniques in an indecent way;

(4) explicit depictions of the means, procedures or details of incest, rape or other sexual crimes, sufficient to induce the commission of crime;

(5) explicit depictions of sexual behaviour by juveniles and children;

(6) explicit depictions of sexual behaviour by homosexuals or other deviant sexual behaviour, or explicit depictions of violence, cruelty or humiliation related to deviant sexual behaviour; or

(7) other indecent depictions of sexual behaviour that ordinary people would not be able to tolerate.

Article 3 'Pornographic publications' means publications that are not obscene throughout but parts of which contain the contents provided in items (1) to (7) of Article 2, that would poison the mental and physical health of ordinary people, especially juveniles, and that are lacking in artistic and scientific value.

Article 4 Literary and artistic works that have partly obscene or pornographic contents but possess artistic value; art works expressing the beauty of the human body; natural and social science works concerned with knowledge of human anatomy and reproduction, disease prevention and other knowledge relating to sex, sexual morality and the sociology of sex do not fall within the scope of obscene or pornographic publications.

Article 5 The State Press and Publications Office shall be responsible for evaluating and determining obscene and pornographic publications. The State Press and Publications Office shall organise experts in the departments concerned into obscene and pornographic publications evaluation committees, to assume responsibility for the work of evaluating obscene and pornographic publications.

Press and publications bureaus in all provinces, autonomous regions and municipalities directly under the central authority shall organise experts in the departments concerned into obscene and pornographic publications evaluation committees, to report their evaluation and determination opinions on obscene and pornographic publications discovered in their administrative districts to the State Press and Publications Office.

Article 6 'Publications' as used in these Provisions includes books, newspapers, magazines, prints, picture albums, wall calendars, audio and video products and printed publicity materials.

'Ordinary people' as used in these Provisions means physically and mentally normal adults.

¹ Promulgated on Apr 17, 1985.

² Promulgated by the State Press and Publications Office on July 5, 1988.

Article 7 The State Press and Publications Office shall be responsible for interpreting these Provisions.

Article 8 These Provisions shall go into effect on their date of promulgation.

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